Remarks: Claims 1-60 are pending; however, claims 3-49 have been withdrawn from consideration. Each amended and new claim has written support in the specification; accordingly, no new matter has been added to the application.

Written support for amended claim 1 appears in the specification, for example, at page 7, lines 3-5 and in Table 1 (on page 7) and in the sequence listing at SEQ ID NO: 4.

Written support for amended claim 2 and new claims 50-51 appears in the specification, for example, at page 14, lines 20-33.

Written support for new claims 52-58 appears in the specification, for example, at page 24, line 23 to page 26, line 9.

Written support for new claim 59 appears in the specification, for example, at page 21, lines 2-4.

Written support for new claim 60 appears in the specification, for example, at page 14, line 34 to page 15, line 16.

Restriction requirement. The examiner has alleged that the present application comprises 22 separate inventions and has required applicants to elect one for further prosecution. The claim groups created by the examiner are as follows:

I: Claims 1-2-drawn to isolated polypeptide comprising the amino acid sequence set forth in SEQ ID NO: 2 (rat)

II: Claims 1-2-drawn to isolated polypeptide comprising the amino acid sequence set forth in SEQ ID NO: 12 (mouse)

III: Claims 3-6 and 9-10-drawn to an isolated polynucleotide comprising the nucleotide sequence set forth in SEQ ID NO: 1 (rat), a vector comprising the same

polynucleotide, a host cell comprising the same vector, and a method of producing a polypeptide comprising the same host cell.

IV: Claims 3-6 and 9-10-drawn to an isolated polynucleotide comprising the nucleotide sequence set forth in SEQ ID NO: 11 (mouse), a vector comprising the same polynucleotide, a host cell comprising the same vector, and a method of producing a polypeptide comprising the same host cell.

V: Claims 7-8-drawn to an antibody that binds to the amino acid sequence set forth in SEQ ID NO: 39

VI: Claims 7-8-drawn to an antibody that binds to the amino acid sequence set forth in SEQ ID NO: 40

VII: Claims 7-8-drawn to an antibody that binds to the amino acid sequence set forth in SEQ ID NO: 41

VIII: Claims 7-8-drawn to an antibody that binds to the amino acid sequence set forth in SEQ ID NO: 42

IX: Claims 11-15 and 19-20-drawn to a method of identifying an antagonist comprising contacting a host cell expressing a polypeptide comprising the amino acid sequence set forth in SEQ ID NO: 2 (rat) with a test agent in the presence of ezetimibe

X: Claims 11-15 and 19-20-drawn to a method of identifying an antagonist comprising contacting a host cell expressing a polypeptide comprising the amino acid

sequence set forth in SEQ ID NO: 4 (human) with a test agent in the presence of ezetimibe

XI: Claims 11-15 and 19-20-drawn to a method of identifying an antagonist comprising contacting a host cell expressing a polypeptide comprising the amino acid sequence set forth in SEQ ID NO: 12 (mouse) with a test agent in the presence of ezetimibe

XII: Claims 16-18 and 21-drawn to a method of identifying an antagonist comprising contacting a host cell expressing a polypeptide comprising the amino acid sequence set forth in SEQ ID NO: 2 (rat) with a test agent in the presence of cholesterol

XIII: Claims 16-18 and 21-drawn to a method of identifying an antagonist comprising contacting a host cell expressing a polypeptide comprising the amino acid sequence set forth in SEQ ID NO: 4 (human) with a test agent in the presence of cholesterol

XIV: Claims 16-18 and 21-drawn to a method of identifying an antagonist comprising contacting a host cell expressing a polypeptide comprising the amino acid sequence set forth in SEQ ID NO: 12 (mouse) with a test agent in the presence of cholesterol

XV: Claims 22-29 and 45-49-drawn to a mutant mouse comprising a homozygous disruption of endogenous, chromosomal NPC1L1, offspring of the mutant mouse, a method of screening using the same mouse and a cell isolated from the same mouse.

XVI: Claims 30-33-drawn to methods for inhibiting NPC1L1 mediated sterol or 5α-stanol uptake by administering a substance

XVII: Claims 34-38-drawn to a kit comprising ezetimibe

XVIII: Claims 39-42-drawn to a method for decreasing the level of intestinal sterol or 5α-stanol absorption in a subject by reducing the level of NPC1L1 expression

XIX: Claim 43-drawn to a method for identifying an antagonist of NPC1L1 comprising contacting a host cell expressing a polypeptide comprising the amino acid sequence set forth in SEQ ID NO: 2(rat) with a test agent in the presence of a 2-azetidinone.

XX: Claim 43-drawn to a method for identifying an antagonist of NPC1L1 comprising contacting a host cell expressing a polypeptide comprising the amino acid sequence set forth in SEQ ID NO: 4 (human) with a test agent in the presence of a 2-azetidinone.

XXI: Claim 43-drawn to a method for identifying an antagonist of NPC1L1 comprising contacting a host cell expressing a polypeptide comprising the amino acid sequence set forth in SEQ ID NO: 12 (mouse) with a test agent in the presence of a 2-azetidinone.

XXII: Claim 44-drawn to a kit comprising 2-azetidinone

As discussed with the examiner over the telephone on February 2, 2006, Applicants herein elect claims relating to a polypeptide comprising the amino acid sequence of SEQ ID NO:

4. In view of the telephone conversation, Applicants believe that this election is fully responsive to the restriction requirement.

Conclusion:

Early and favorable action is earnestly solicited.

Respectfully submitted,

Date: 2/3/2006

Thomas Triolo, Ph.D.
Registration No. 48,001
Agent for Applicant(s)

Schering-Plough Corporation
Patent Department; K-6-1, 1990
2000 Galloping Hill Road
Kenilworth, NJ 07033
908-298-2347